

Senate File 2380

S-5101

1 Amend Senate File 2380 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. Section 124.506, Code 2020, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 4A. According to an order for the disposal  
7 of a crop that does not qualify as hemp as provided in section  
8 204.10.

9 Sec. 2. Section 204.2, Code 2020, is amended by adding the  
10 following new subsections:

11 NEW SUBSECTION. 01. "*Certificate of analysis*" means proof  
12 that a crop produced on a licensee's crop site qualifies as  
13 hemp as provided in section 204.8.

14 NEW SUBSECTION. 001. "*Consumable hemp product*" means a  
15 hemp product that includes a substance that is metabolized  
16 or is otherwise subject to a biotransformative process when  
17 introduced into the human body.

18 a. A consumable hemp product may be introduced into the  
19 human body by ingestion or absorption by any device including  
20 but not limited to an electronic device.

21 b. A consumable hemp product may exist in a solid or liquid  
22 state.

23 c. A hemp product is deemed to be a consumable hemp product  
24 if it is any of the following:

25 (1) Designed by the processor, including the manufacturer,  
26 to be introduced into the human body.

27 (2) Advertised as an item to be introduced into the human  
28 body.

29 (3) Distributed, exported, or imported for sale or  
30 distribution to be introduced into the human body.

31 d. "*Consumable hemp product*" includes but is not limited to  
32 any of the following:

33 (1) A noncombustible form of hemp that may be digested,  
34 such as food; internally absorbed, such as chew or snuff; or  
35 absorbed through the skin, such as a topical application.

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(amending this SF 2380 to CONFORM to HF 2581)

1 (2) Hemp processed or otherwise manufactured, marketed,  
2 sold, or distributed as food, a food additive, a dietary  
3 supplement, or a drug.

4 e. "Consumable hemp product" does not include a hemp product  
5 if the intended use of the hemp product is introduction into  
6 the human body by any method of inhalation, as prohibited under  
7 section 204.14A.

8 NEW SUBSECTION. 4A. "Federal Food, Drug, and Cosmetic Act"  
9 means the Act so entitled as codified in 21 U.S.C. §301 et  
10 seq., including regulations adopted pursuant to that Act by the  
11 United States food and drug administration under the Code of  
12 Federal Regulations, Title 21.

13 NEW SUBSECTION. 13. "Temporary harvest and transportation  
14 permit" means a document allowing the harvesting of a crop  
15 produced on a licensee's crop site and the temporary movement  
16 of that crop subject to limitations provided in section 204.8.  
17 Sec. 3. Section 204.2, subsection 6, Code 2020, is amended  
18 to read as follows:

19 6. a. "Hemp" means the plant cannabis sativa L. and any  
20 part of that plant, including the seeds thereof, and all  
21 derivatives, extracts, cannabinoids, isomers, acids, salts,  
22 and salts of isomers, whether growing or not, with a maximum  
23 delta-9 tetrahydrocannabinol concentration of not more than  
24 three-tenths of one percent on a dry weight basis as calculated  
25 pursuant to an official test as provided in section 204.8.

26 b. "Hemp" also means a plant of the genus cannabis  
27 other than cannabis sativa L., with a maximum delta-9  
28 tetrahydrocannabinol concentration of not more than  
29 three-tenths of one percent on a dry weight basis as calculated  
30 pursuant to an official test as provided in section 204.8, but  
31 only to the extent allowed by the department in accordance with  
32 applicable federal law, including the federal hemp law.

33 Sec. 4. Section 204.3, subsection 4, Code 2020, is amended  
34 to read as follows:

35 4. The department may provide for the receipt, filing,

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1 processing, and return of documents described in [this chapter](#)  
2 in an electronic format, including but not limited to the  
3 transmission of documents by the internet. The department  
4 shall provide for the authentication of official forms in an  
5 electronic format that may include electronic signatures as  
6 provided in [chapter 554D](#). An official form in an electronic  
7 format shall have the same validity and is discoverable and  
8 admissible in evidence if given under penalty of perjury in the  
9 same manner as an original printed form. The department shall  
10 provide for the issuance of certificates of ~~crop inspection~~  
11 analysis in an electronic format as provided in [section 204.8](#).

12 Sec. 5. Section 204.7, subsection 4, Code 2020, is amended  
13 to read as follows:

14 4. The department shall adopt rules regulating the  
15 production of hemp, including but not limited to inspection  
16 and testing requirements under [section 204.8](#) or [204.9](#), and the  
17 issuance of a temporary harvest and transportation permit or  
18 certificate of ~~crop inspection~~ analysis under [section 204.8](#).  
19 The department shall adopt rules as necessary to administer the  
20 negligent violation program. The department may adopt other  
21 rules as necessary or desirable to administer and enforce the  
22 provisions of [this chapter](#) relating to hemp or hemp products.

23 Sec. 6. Section 204.7, subsection 5, Code 2020, is amended  
24 by striking the subsection and inserting in lieu thereof the  
25 following:

26 5. a. A person is not subject to a criminal offense  
27 involving hemp as otherwise prohibited in chapter 124 or 453B,  
28 if all of the following apply:

29 (1) If the person is a licensee, the person carries the  
30 person's hemp license when possessing hemp.

31 (2) The person carries a certificate of analysis, or a  
32 temporary harvest and transportation permit, if the person is  
33 in possession of harvested hemp. If the person is transporting  
34 harvested hemp into or through this state, the person must  
35 carry a certificate of analysis or an equivalent document

1 issued to the person by the jurisdiction where the hemp was  
2 produced.

3 (3) The person carries a certificate of analysis, if the  
4 person is delivering hemp seed for planting.

5 (4) The person carries a bill of lading under all of the  
6 following circumstances:

7 (a) The person is in possession of hemp in transit to  
8 transfer ownership.

9 (b) The person is delivering hemp seed for planting and the  
10 seed is not of the licensee's own production.

11 (c) A person brings hemp produced in another state into or  
12 through this state.

13 b. For purposes of paragraph "a", a criminal offense  
14 involving hemp includes but is not limited to production, use,  
15 harvest, transportation, delivery, distribution, or sale.

16 Sec. 7. Section 204.7, subsection 6, Code 2020, is amended  
17 by striking the subsection and inserting in lieu thereof the  
18 following:

19 6. A person other than a licensee is not subject to a  
20 criminal offense involving hemp as described in subsection 5 if  
21 the person is authorized to be on the licensee's crop site by  
22 the licensee.

23 Sec. 8. Section 204.7, subsections 7 and 8, Code 2020, are  
24 amended by striking the subsections.

25 Sec. 9. Section 204.7, subsection 9, paragraph a, Code 2020,  
26 is amended to read as follows:

27 a. A Except as provided in subsection 10, and section  
28 204.14A, a person may engage in the retail sale of a hemp  
29 product if the hemp was produced in this state or another state  
30 in compliance with the federal hemp law or other applicable  
31 federal law. A person may engage in the retail sale of a hemp  
32 product if the hemp was produced in another jurisdiction in  
33 compliance with applicable federal law and the laws of the  
34 other jurisdiction, if such law is substantially the same as  
35 applicable federal law.

1     Sec. 10. Section 204.7, subsection 9, paragraph b, Code  
2 2020, is amended by striking the paragraph.

3     Sec. 11. Section 204.7, Code 2020, is amended by adding the  
4 following new subsection:

5     NEW SUBSECTION. 10. *a.* Except as provided in paragraph  
6 “e”, a consumable hemp product shall not be manufactured,  
7 sold, or consumed in this state unless all of the following  
8 conditions are met:

9       (1) The consumable hemp product is manufactured in this  
10 state in compliance with this chapter.

11       (2) The hemp contained in the consumable hemp product was  
12 produced exclusively in this state in compliance with this  
13 chapter.

14       (3) The consumable hemp product complies with packaging  
15 and labeling requirements, which shall be established by the  
16 department of inspections and appeals by rule.

17     *b.* A person manufacturing a consumable hemp product in this  
18 state shall register with the department of inspections and  
19 appeals on a form prescribed by the department of inspections  
20 and appeals by rule. The department of inspections and appeals  
21 may impose a fee, established by the department of inspections  
22 and appeals by rule, on a registrant not to exceed the cost of  
23 processing the registration. The department of inspections and  
24 appeals shall adopt rules for the revocation of a registration  
25 issued to a manufacturer who manufactures a consumable hemp  
26 product not in compliance with this chapter.

27     *c.* A person selling a consumable hemp product in this state  
28 shall register with the department of inspections and appeals  
29 on a form prescribed by the department of inspections and  
30 appeals by rule and shall keep on the premises of the person’s  
31 business a copy of the certificate of analysis issued pursuant  
32 to section 204.8 for the hemp contained in the consumable hemp  
33 products sold by the person. The department of inspections  
34 and appeals may impose a fee, established by the department of  
35 inspections and appeals by rule, on a registrant not to exceed

1 the cost of processing the registration. The department of  
2 inspections and appeals shall adopt rules for the revocation of  
3 a registration issued to a person who sells a consumable hemp  
4 product not in compliance with this section.

5 *d.* Except as otherwise provided in this subsection,  
6 a political subdivision of the state shall not adopt any  
7 ordinance, rule, or regulation regarding the manufacture, sale,  
8 or consumption of a consumable hemp product.

9 *e.* A consumable hemp product manufactured in another  
10 jurisdiction pursuant to a state or tribal plan approved by the  
11 United States department of agriculture pursuant to the federal  
12 hemp law may be imported for use by a consumer or sale by a  
13 retailer to a consumer if the state has substantially similar  
14 testing requirements as those provided in section 204.8.

15 *f.* A consumable hemp product manufactured, sold, or  
16 consumed in compliance with this subsection is not a controlled  
17 substance under chapter 124 or 453B regardless of whether the  
18 consumable hemp product has been approved by the United States  
19 food and drug administration.

20 Sec. 12. Section 204.8, subsection 1, paragraph d, Code  
21 2020, is amended to read as follows:

22 *d.* A licensee shall not harvest any portion of a crop  
23 produced at the licensee's crop site unless the department has  
24 obtained a sample of plants to conduct a test as provided in  
25 this section and has issued the licensee a temporary harvest  
26 and transportation permit or certificate of ~~crop inspection~~  
27 analysis. The department may adopt rules that it determines  
28 necessary or desirable to administer and enforce the terms and  
29 conditions of a permit. The department shall have unrestricted  
30 access to a crop site subject to a permit. A licensee subject  
31 to a permit shall receive permission from the department prior  
32 to moving the hemp, shall not commingle the hemp, and shall not  
33 transfer the hemp to another person.

34 *e.* The department shall issue a verified copy of the  
35 temporary harvest and transportation permit or certificate of

1 analysis to any other person upon request of the licensee. The  
2 permit or certificate shall be published by the department as  
3 an official form.

4 f. To the extent allowed by the federal hemp law, the  
5 certificate of analysis shall be proof that the harvested crop  
6 described on the form qualifies as hemp pursuant to the results  
7 of an official test.

8 g. A temporary harvest and transportation permit expires  
9 when the department issues the licensee a certificate of  
10 analysis. A permit or certificate of analysis terminates upon  
11 the issuance of an order of disposal of the licensee's crop  
12 as provided in section 204.10 or upon the revocation of the  
13 licensee's hemp license as provided in section 204.11.

14 Sec. 13. Section 204.8, subsection 3, Code 2020, is amended  
15 by striking the subsection and inserting in lieu thereof the  
16 following:

17 3. The official test shall be a composite test of the  
18 plants obtained by the department from a licensee's crop  
19 site during the annual inspection and shall be conducted by  
20 a laboratory designated by the department. The sample must  
21 have an acceptable delta-9 tetrahydrocannabinol concentration,  
22 resulting from a post decarboxylation analysis, that does not  
23 exceed three-tenths of one percent on a dry weight basis.

24 a. The laboratory shall report delta-9 tetrahydrocannabinol  
25 concentration on a dry weight basis that accounts for a  
26 measurement uncertainty associated with the result of a  
27 measurement. The measurement uncertainty shall characterize  
28 the dispersion of the values that could be reasonably  
29 attributed to the particular quantity subject to measurement.  
30 The acceptable delta-9 tetrahydrocannabinol concentration  
31 occurs when the application of the measurement uncertainty to  
32 the reported delta-9 tetrahydrocannabinol concentration on a  
33 dry weight basis produces a distribution or range that includes  
34 three-tenths of one percent or less.

35 b. The post decarboxylation value is the result

1 of an analysis determined after the process of  
2 decarboxylation that determines the total potential  
3 delta-9 tetrahydrocannabinol content derived from the sum of  
4 the delta-9 tetrahydrocannabinol concentration and delta-9  
5 tetrahydrocannabinolic acid content and reported on a dry  
6 weight basis. The post decarboxylation value may be determined  
7 by using a chromatographic technique using heat and gas  
8 chromatography, through which the tetrahydrocannabinolic  
9 acid content is converted from its acid form to its neutral  
10 form. The post decarboxylation value may also be calculated  
11 by using a high-performance liquid chromatograph technique,  
12 which keeps the tetrahydrocannabinolic acid intact and requires  
13 a conversion calculation of that tetrahydrocannabinolic acid  
14 to determine the total potential delta-9 tetrahydrocannabinol  
15 content in a given sample.

16 Sec. 14. Section 204.9, subsection 2, paragraph b, Code  
17 2020, is amended to read as follows:

18 b. The department of public safety or a local law  
19 enforcement agency may obtain a sample of plants that are part  
20 of the crop and provide for a test of that sample as provided in  
21 section 204.8. The department of public safety or a local law  
22 enforcement agency shall not impose, assess, or collect a fee  
23 for conducting an inspection or test under this section.

24 Sec. 15. Section 204.10, subsection 1, Code 2020, is amended  
25 to read as follows:

26 1. If a crop that is produced at a licensee's crop site does  
27 not qualify as hemp according to an official test conducted  
28 pursuant to section 204.8, but has a maximum concentration  
29 not in excess of two percent delta-9 tetrahydrocannabinol on  
30 a dry weight basis, the department, in consultation with the  
31 department of public safety, shall order the disposal of the  
32 crop by destruction at the site or if necessary require the  
33 crop to be removed to another location for destruction.

34 Sec. 16. Section 204.14, subsections 2 and 3, Code 2020, are  
35 amended to read as follows:

1     2. a. The Except as provided in paragraph "b", the person  
2 is required to hold a certificate of ~~crop inspection under~~  
3 ~~section 204.8~~ analysis to possess, handle, use, manufacture,  
4 market, transport, deliver, or distribute hemp that has been  
5 harvested under this chapter.

6     b. The person is required to hold a temporary harvest and  
7 transportation permit to possess, harvest, or move hemp.

8     3. The person knowingly or intentionally does any of the  
9 following:

10    a. Falsifies the temporary harvest and transportation permit  
11 or certificate of crop inspection analysis.

12    b. Acquires the temporary harvest and transportation permit  
13 or certificate of crop inspection analysis that the person  
14 knows has been falsified.

15    Sec. 17. NEW SECTION. 204.14A Criminal offense —  
16 inhalation.

17    1. A person shall not possess, use, manufacture, market,  
18 transport, deliver, or distribute harvested hemp or a hemp  
19 product if the intended use of the harvested hemp or hemp  
20 product is introduction into the body of a human by any method  
21 of inhalation, including any of the following:

22    a. Smoke produced from combustion.

23    b. A type of article that uses a heating element, power  
24 source, electronic circuit, or other electronic, chemical, or  
25 mechanical process.

26    c. A device, including but not limited to a cigarette,  
27 cigar, cigarillo, or pipe, regardless of whether such device  
28 produces smoke or vapor.

29    2. A person who violates subsection 1 is guilty of a serious  
30 misdemeanor.

31    3. This section does not apply to the extent that federal  
32 law, including the federal Food, Drug, and Cosmetic Act,  
33 authorizes as its intended use the introduction of harvested  
34 hemp or a hemp product into the body of a human by a method of  
35 inhalation.

1     Sec. 18. Section 204.17, subsection 2, paragraph c, Code  
2 2020, is amended to read as follows:

3     c. Local law relating to product development, product  
4 manufacturing, consumer safety, or public health so long as the  
5 local law is consistent with federal and state law, except as  
6 provided in section 204.7, subsection 10.

7     Sec. 19. CONTINGENT EFFECTIVE DATE.

8     1. Except as provided in subsection 2, this Act takes effect  
9 on the date that chapter 204 is implemented as provided in 2019  
10 Iowa Acts, chapter 130, section 18, subsection 1.

11     2. a. If the department of agriculture and land  
12 stewardship, in cooperation with the department of public  
13 safety, determines that the United States department of  
14 agriculture must approve any amendment to an existing provision  
15 or new provision enacted in this Act as part of a state plan  
16 pursuant to section 204.3, the secretary of agriculture shall  
17 publish a notice of that fact in the Iowa administrative  
18 bulletin. The department of agriculture and land stewardship  
19 shall forward a copy of the statement to the Code editor prior  
20 to publication.

21     b. If a determination is made as provided in paragraph  
22 "a", the amendment or new provision enacted in this Act takes  
23 effect on the publication date of the edition of the Iowa  
24 administrative bulletin that includes a statement by the  
25 secretary of agriculture of the department of agriculture and  
26 land stewardship certifying that the United States department  
27 of agriculture has approved the amendment or provision. The  
28 department of agriculture and land stewardship shall forward a  
29 copy of the statement to the Code editor prior to publication.

30     3. This section does not affect the implementation of  
31 provisions amended or enacted in 2019 Iowa Acts, chapter 130.>

32     2. Title page, by striking lines 1 through 3 and inserting  
33 <An Act relating to the regulation of hemp, including by  
34 providing for testing methods and the regulation of hemp  
35 products, providing penalties, making penalties applicable, and

1 including effective date provisions.>

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